



THE CITY OF SAN DIEGO

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A-3-75

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Department of Planning and Land Use
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SUBJECT: Draft EIR, Otay Ranch Resort Village; GPA 04-003, SPA 04-002, R04-009, TM 5361RPL², S08-028, ER#04-19-005, KIVA# 03-1004387.

Dear David,

Thank you for meeting with us on Monday, January 30, 2012, to discuss the City's concerns about the Otay Ranch Resort Village project.

Otay Ranch Resort Village is located immediately adjacent to Lower Otay Reservoir and Upper Otay Reservoir. Lower Otay Reservoir is a primary drinking water supply to the San Diego water system. Water from Lower Otay Reservoir is distributed to homes and businesses in the City of San Diego, and also to Coronado, Imperial Beach, and National City. Upwards of 250,000 people receive some of their drinking water from Otay Reservoirs.

The land around Otay Reservoirs has been owned and controlled by the City of San Diego's water system for nearly one hundred years¹. The City's Public Utilities Department manages these lands "...for the primary and overarching purpose of protecting water quality in the City's source waters. All other management goals are subordinate to ensuring the health and safety of the public water supply."² Other beneficial uses of this land, such as the MSCP Cornerstone Preserve, are overlays on this fundamental purpose and use.

The City of San Diego is the land use authority for the City-owned land along the western and southern boundary of the proposed project and is a "Responsible" agency under CEQA

¹ The City purchase Otay Reservoirs and the lands around them in 1913.

² *A Framework for Managing Public Utilities Department Lands*, January 2009, City of San Diego Public Utilities Department.

for any permits or approvals for projects that may extend into its jurisdiction. These permits and approvals would include a Site Development Permit, a MHPA Boundary Line Adjustment, and easements for expanded road rights-of-way. It is our expectation that the County's forthcoming EIR will thoroughly analyze these City issues and will be adequate for the City to rely upon for the issuance of the City permits and approvals.

Therefore, we request to review the next iteration of the Draft EIR Screen Check. The purpose of our review would be to assist the County in making certain the document discloses and discusses the environmental issues identified by the City, and that it includes appropriate project-level analysis, reasonable alternatives, and mitigation measures for the City's issues.

The following are descriptions of three issues of concern that should be adequately analyzed in the DEIR for this project. Other issues of concern to the City may arise from our review of the environmental documents.

1) Water Quality: Salt and Nutrient Loading to Otay Reservoir

The following discussion about salt and nutrient loading should be considered in the context of the entire project footprint of the Otay Ranch Resort Village.

What is "salt" loading?

In this context salt is a suite of elements and inorganic compounds [more correctly, ions and ionic compounds in aqueous solution]. Dominantly it is sodium and chloride; it is also calcium, magnesium, potassium, sulfate, and carbonate. It is commonly expressed as Total Dissolved Solid [TDS] and measured as Electrical Conductivity [EC]. TDS is a critical secondary drinking water standard.

Salt is almost perfectly conservative – it does not degrade or die off or otherwise "go away." Any salt added to a land area will ultimately find its way to surface water or groundwater.

Loading is not the same as concentration. Loading is mass per time [e.g. kilograms per year] while concentration is mass per volume [e.g. milligrams per liter]. Thus, a thousand gallons of salty water carries a much greater load of salt than one gallon of the water, even though the salt concentration is the same in both.

Pre-project salt load

The pre-project condition is a healthy natural landscape sloping to Otay Reservoirs. Rain falls on this natural landscape and water runs off to Otay Reservoirs [including water that percolates to shallow groundwater and migrates down slope to the surface water]. Both surface water runoff and shallow groundwater will reach the reservoir. This runoff carries with it an amount of salt derived from soil and vegetation. This quantity of salt is the pre-project salt load to the reservoirs. In the San Diego region, the concentration of salt in native runoff is generally about 200 mg/l. The salt load, on the other hand, will depend on

the extent of land area and the amount of rainfall and runoff. Please include this information as part of the project baseline conditions.

Full-project salt load

When Otay Ranch Resort Village is fully built and occupied there will be project features and human activities that will add to the salt load and concentration from the project area to the reservoirs, and it is the salt load that matters. The additional salt comes from many sources.

- Otay Ranch Resort Village will use imported water for irrigation and other outdoor uses. Imported water has a significant salt load.
- Landscaped areas and private yards will be fertilized, mulched, and otherwise amended. These products contain the elements and compounds that make up "salt."
- Detergents and other chemicals are used outdoors [car washing, cleaning the driveway, washing the windows].
- Pets [dogs, horses, cats] urinate and defecate on the ground; these wastes began as pet food brought into the area; the food has salt; and the salt passes through the animal.

In effect, these activities and features serve as a conveyor belt bringing additional salt to the project area. Very little of this salt leaves the project area except as carried by runoff or seepage to Otay Reservoirs. Eventually, nearly all the salt will end up in the reservoir.

What is the salt load of the fully developed and occupied development compared to the pre-project condition? This information needs to be disclosed and analyzed as part of the project's impact in the DEIR.

Nutrient Loading

The discussion above is about salt loading. It applies equally well to nutrient loading. In the context of Otay Reservoirs "nutrients" means ionic forms of nitrogen [nitrate, nitrite, and ammonia] and phosphate [the ionic form of phosphorous]. These ionic compounds are minor constituents of the "salt" discussed above. Although the specific sources of nutrients may be somewhat different than for overall salts, the concept of nutrient loading - and the assessment thereof - is parallel.

The project proponent has prepared a report quantifying salt and nutrient loading. We are reviewing the report. Our comments will be forthcoming. We expect that the analysis and conclusions of the project's impacts on salt and nutrient loading will be included in the DEIR.

2] Access to Adjacent Public Utilities Land [Land Adjacency Issues,

The City Public Utilities Department manages its rural lands for the primary and overarching purpose of protecting water quality in the City's source waters. All other uses are subordinate to ensuring the health and safety of the public water supply. Public

Utilities lands at its reservoirs are not parklands or “open space” lands. The land around Otay Reservoirs is closed to all public entry, except for limited and highly controlled recreation programs operated by Public Utilities. The lands provide a critical buffer around the reservoir for security and water quality protection.

The proposed Otay Ranch Resort Village directly fronts on 3.6 miles of Public Utilities lands surrounding Otay Reservoirs, including 3.1 miles immediately adjacent to Lower Otay Reservoir. The proposed development is a high-density residential community [2,000 residential units, a resort, commercial space, parks, and schools] immediately adjacent to an otherwise rural reservoir site. Inevitably, the additional people of the development adjacent to the reservoir will lead to unauthorized access onto the land around the reservoir and to the reservoir itself.

Unauthorized access could be in the form of trespass by residents and guests, pets [pets accompanying trespassers and stray pets from the residential area], illegal dumping, off-road vehicle activity, and other encroachments. If uncontrolled, this has the potential to result in security risks to the regional water supply infrastructure, degradation of the vegetation and soil, trash and hazardous material dumping, and a general increase in pollutants.

Site planning and project design should address the potential for these impacts by integrating additional features, such as fences, gates, signs, a dedicated trail, and vehicle barriers. Project features incorporated to prevent or limit unauthorized access must also be analyzed to determine if they would result in potential impacts and the need for mitigation.

3) City MSCP MHPA/Cornerstone Land

The project site lies partially within the Multi-Habitat Planning Area (MHPA)/ Corner Lands of the City's MSCP. Please provide a map of the MHPA / Cornerstone Lands boundary on the project plans at the same scale as the project or a maximum scale of 1":200'. The following applies to project site and/or project features that would impact the City's MHPA/Cornerstone Lands: provide a biological resources report prepared pursuant to the City of San Diego “Guidelines for Conducting Biological Surveys” (2002). The report should include a map depicting biological resources and MHPA/Cornerstone Lands boundaries. MHPA Guidelines, as described in the MSCP Subarea Plan, that apply to the site and any management conditions that would apply to the areas conserved as MHPA/Cornerstone Lands should also be discussed in the report. The site is located by Otay Lakes and MSCP Subarea Plan anticipates that any development that occurs would not preclude wildlife movement through this corridor. Please provide a discussion/analysis on wildlife movement and provide mitigation measures and/or project conditions, as necessary. In the biology report, please assess the potential for narrow endemic species on the project site, Focused spring surveys would be required in any areas of the site showing a moderate to high potential for occurrence of these species/features. Avoidance of these species/features would be required.

If the project would impact wetlands within the City's jurisdiction, the City's Biology Guidelines and MSCP Subarea Plan require that impacts to wetlands, including vernal pools, shall be avoided, and that a sufficient wetland buffer shall be maintained, as appropriate, to protect resource functions/values. For vernal pools, this includes avoidance of the watershed necessary for the continued viability of the ponding area. Unavoidable wetland impacts (to be determined on a case-by-case), shall be minimized to the maximum extent practicable and fully mitigated per the Biology Guidelines. The biology report should include an analysis of on-site wetlands (including city, state and federal jurisdiction analysis) and, if present, include project alternatives that fully/substantially avoid wetland impacts. Detailed evidence supporting why there is no feasible, less environmentally damaging location or alternative to avoid any impacts must be provided for City staff review, as well as a mitigation plan that specifically identifies how the project is to compensate for any unavoidable impacts. Avoidance is the first requirement; mitigation can only be used for impacts clearly demonstrated to be unavoidable. Unavoidable impacts will require deviation from the City's Environmentally Sensitive Lands Ordinance (ESL).

MHPA Land Use Adjacency Guidelines

Due to the adjacency to the MHPA and Cornerstone Lands, the development will need to conform to all applicable MHPA Land Use Adjacency Guidelines (Section 1.4.3) of the City's MSCP Subarea Plan. In particular, lighting, drainage, landscaping, grading, access, and noise must not adversely affect the MHPA. Please demonstrate in the project biology report and draft environmental document how these issues are being addressed. Provide mitigation measures and/or project conditions as well as notes/conditions on the construction plans, as appropriate.

Lighting

Lighting should be directed away from the MHPA, and shielded if necessary. Please see Municipal Code §142.0740 for further information if needed.

Drainage

Drainage should be directed away from the MHPA, or if not possible, must not drain directly into the MHPA. Instead, runoff should flow into sedimentation basins, grassy swales or mechanical trapping devices prior to draining into the MHPA.

Toxics

Land uses, such as recreation and agriculture that use chemicals or generate by-products such as manure that are potentially toxic or that may impact wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts. Additionally, please see comments provided by the Public Utilities Department.

Landscaping

No invasive plant species shall be planted in or adjacent to the MHPA/Cornerstone Lands. Please provide the landscape plan for review.

Grading

All manufactured slopes must be included within the development footprint and outside the MHPA/Cornerstone Lands.

Brush Management

All Zone 1 brush management areas must be included within the development footprint and outside the MHPA/Cornerstone Lands. Brush management Zone 2 may be permitted within the MHPA (considered impact neutral) but cannot be used as mitigation.

Access

Access to the MHPA/Cornerstone Lands, should be directed to minimize impacts and to reduce impacts associated with domestic pet predation. Additionally, please see comments provided by the Public Utilities Department.

Noise

Due to the site's location adjacent/within the MHPA, construction noise will need to be avoided, if possible, during the breeding season of the *California gnatcatcher* (3/1-8/15), *least Bell's vireo* (3/15-9/15), *southwestern willow flycatcher* (5/1-8/30). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys will be required in order to determine species presence/absence. If the species *is/are* not identified within the MHPA, no additional measures will be required. If present, measures to minimize noise impacts will be required and should include temporary noise walls/berms.

If a survey is not conducted and construction is proposed during the species' breeding season, presence would be assumed and a temporary wall/berm would be required. Noise levels from construction activities during the bird breeding season should not exceed 60 dBA hourly LEQ at the edge of the occupied MHPA, or the ambient noise level if noise levels already exceed 60 dBA hourly LEQ.

MHPA Boundary Adjustment

It appears that the project may encroach into the MHPA/Cornerstone Lands beyond the allowable development area [See Sections 143.0142 and 131.0250(b) of the Land Development Code and pages 5 and 6 of the City's Biology Guidelines], requiring a MHPA boundary line adjustment for the replacement of the City's Cornerstone Lands. Under the City's MSCP Subarea Plan, an adjustment to the City's MHPA boundary is allowed only if the new MHPA boundary results in an exchange of lands that are functionally equivalent or higher in biological value.

A determination of functionally equivalent or higher biological value will be based on site-specific information (both quantitative and qualitative) that addresses the six boundary adjustment criteria outlined in Section 5.4.3 of the Final MSCP Plan (August 1998), which are as follows:

- 1. Effects on significantly and sufficiently conserved habitats (i.e., the exchange maintains or improves the conservation, configuration, or status of significantly and sufficiently conserved habitats, as defined in Section 3.4.2 [of the MSCP Plan]).*
- 2. Effects on covered species (i.e., the exchange maintains or increases the conservation of covered species).*
- 3. Effects on habitat linkages and function of preserve areas (i.e., the exchange maintains or improves any habitat linkages or wildlife corridors);*
- 4. Effects on preserve configuration and management (i.e., the exchange results in similar or improved management efficiency and/or protection of biological resources);*
- 5. Effects on ecotones or other conditions affecting species diversity (i.e., the exchange maintains topographic and structural diversity and habitat interfaces of the preserve); and*
- 6. Effects on species of concern not on the covered species list (i.e., the exchange does not significantly increase the likelihood that an uncovered species will meet the criteria for listing under either the federal or state ESAs).*

All proposed MHPA boundary adjustments require approval from the U.S. Fish and Wildlife Service (FWS) and California Department of Fish and Game (CDFG), collectively the “wildlife agencies.” As part of the City’s BLA requirements, the BLA approved by the Wildlife Agencies is required to be included in the project’s draft environmental document and sent out for public review. Since the County is also processing a Boundary Line Adjustment associated with the Quino Checkerspot Amendment, it was discussed at the meeting that coordination of the BLAs would be advantageous to both jurisdictions and that the County would include City staff one of their upcoming BLA meetings. Please contact Jeanne Krosch at jkrosch@sanidiego.gov , Anna McPherson at amcpherson@sanidiego.gov, and Niki McGinnis at nmcginnis@sadiego.gov regarding schedule coordination.

The project biology report must include all the following elements:

1. A map showing the existing MHPA boundary, as approved in the MSCP, the proposed encroachment (in red) and proposed addition (in green).
2. An MHPA exchange table showing (by habitat tier) what is proposed to be removed and what is proposed to be added to the MHPA as well as the net change in acreage. The table should include the following columns/rows or equivalent: a) Tier; b) Habitat; c) Existing MHPA/Cornerstone Lands; d) Proposed Encroachment; e) Proposed Addition; and f) Net Change.
3. A written analysis of the adjustment's consistency with the six boundary adjustment criteria.

Please note that three sets of the revised MHPA analysis (map, table and six findings) must be provided to City MSCP staff at least three weeks prior to meeting with Wildlife Agencies in order for to allow sufficient time for City and Wildlife Agency staff to review the information prior to the meeting.

Informational: This project is requesting a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA) and is therefore required to initiate consultation with California Native American tribes consistent with SB 18. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. City staff will coordinate with tribes as required to insure any issues are addressed through the review and approval process.

We look forward to continue coordination with County staff is to achieve continuity and consistency of project processing between the both jurisdictions. We would like to review the next iteration of the screen check DEIR. If you have any questions, please contact, Anna McPherson, Senior Planner, at 619-446-5256 or AMcPherson@sandiego.gov.

Sincerely,



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